

APPENDIX

FILED

FEB 21 1974

MICHAEL RODAK, JR., CLERK

Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-718

**BANGOR PUNTA OPERATIONS, INC. and BANGOR
PUNTA CORPORATION,**

Petitioners,

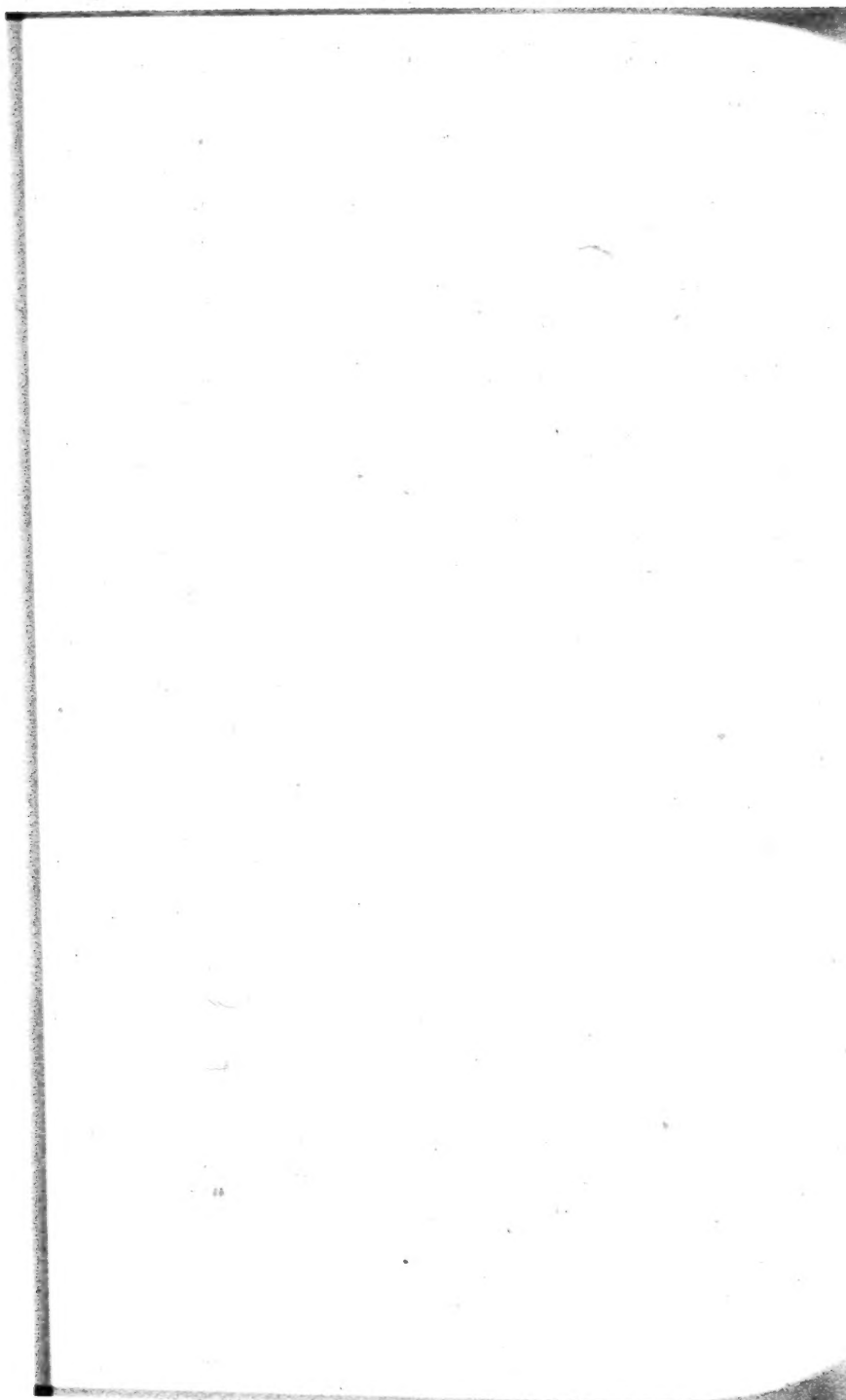
v.

**BANGOR & AROOSTOOK RAILROAD COMPANY and
BANGOR INVESTMENT COMPANY,**

Respondents.

**ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIRST CIRCUIT**

**Petition for Certiorari filed October 31, 1973
Certiorari granted January 7, 1974**



INDEX

	<u>PAGE</u>
District Court Docket Entries -----	ii
Court of Appeals Docket Entries -----	vi
Amended Complaint of Plaintiffs -----	1
Answer of Defendants -----	24
Motion of Defendants for Summary Judgment -----	29
Opinion and Order of the District Court Dated December 29, 1972 -----	30
Notice of Appeal by Plaintiffs from the Order of the District Court Dated December 29, 1972 -----	42
Affidavit of William M. Houston in Opposition to Defendants' Motion to Strike -----	43
Affidavit of Frederic C. Dumaine, Jr., in Opposition to Defendants' Motion to Strike -----	48
Motion of Appellants re: Record on Appeal -----	51
Memorandum and Order of the Court of Appeals for the First Circuit dated March 26, 1973 -----	53
Opinion of the Court of Appeals for the First Cir- cuit dated August 3, 1973 -----	54
Judgment of the Court of Appeals for the First Circuit dated August 3, 1973 -----	68

District Court Docket Entries

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<i>Date</i>	<i>Proceedings</i>
1971	
Dec. 30	Complaint, filed.
1972	
Jan. 3	Summons issued and given to U. S. Marshal for service.
Jan. 6	Return on Summons served on Robert Williamson for C. T. Corp. agent to accept service for Bangor Punta Operations, Inc. executed by U. S. Marshal, filed.
Jan. 6	Return on Summons served on Robert Williamson of C. T. Corp. agent to accept service for Bangor Punta Corporation, executed by U. S. Marshal, filed.
Jan. 18	Defendants' Motion to Dismiss and to Strike, with affidavit, filed.
Jan. 18	Appearance of Sumner T. Bernstein for defendants, filed.
Jan. 18	Appearance of Herbert H. Sawyer for defendants, filed.
Jan. 27	Letter received from counsel for defendant, seen and agreed to by counsel for plaintiff, agreeing that all further proceedings in this case be had at Portland.
Aug. 17	Hearing on defendants' Motion to Dismiss.
Aug. 17	Preliminary Pretrial Conference had.
Aug. 18	Report of Preliminary Pretrial Conference and Order, filed. Copies to counsel.

District Court Docket Entries.

<i>Date</i>	<i>Proceedings</i>
Aug. 18	Order upon Defendants' Motion to Dismiss and to Strike, Gignoux, J., filed. Copies to counsel.
Aug. 18	Amended Complaint of plaintiffs, filed.
Sept. 14	Defendants' Answer to Amended Complaint, filed.
Sept. 14	Defendants' Motion for Summary Judgment, with Memorandum of Law in support thereof, filed.
Nov. 6	Oral argument heard on defendants' Motion for Summary Judgment; taken under advisement by the Court.
Nov. 6	Further Pretrial Conference had.
Nov. 7	Report of Further Pretrial Conference and Order filed; copies mailed to counsel.
Nov. 28	Transcript of proceedings at oral arguments upon defendants' Motion for Summary Judgment, filed.
Dec. 29	Opinion and Order of the Court, Granting defendants' motion for summary judgment dismissing the entire complaint, signed E. T. Gignoux, J. filed.
Dec. 29	Attested copy of Opinion and Order of the Court sent to attorneys of record.
1973	
Jan. 26	Notice of Appeal by plaintiffs to U. S. Court of Appeals for First Circuit from Order of District Court granting defendants' Motion for Summary Judgment dismissing the Complaint entered in this action on the 29th day of December 1972, filed.

District Court Docket Entries

<i>Date</i>	<i>Proceedings</i>
Feb. 5	Motion re: documents to be included in record on appeal filed by plaintiffs.
Feb. 9	Endorsement granting leave to include certain affidavits in record on appeal.
Feb. 9	Affidavits of Frederic Dumaine and William Houston, filed.
Feb. 15	Motion by plaintiffs to include in record on appeal the Company report to the commission, as attached to plaintiffs' pretrial memorandum, filed.
Feb. 23	Original papers on appeal mailed to U. S. Court of Appeals for First Circuit.
Feb. 27	Reply of Defendants to Plaintiffs' Supplemental Motion re: Record on Appeal dated February 14, 1973, Filed.
Feb. 28	\$250 Surety Bond on Appeal, Filed.
Mar. 2	Hearing had on motion by Plaintiffs to include in record on appeal the ICC report. Motion denied by Judge Gignoux.
Mar. 21	The transcript of hearing on Plaintiffs' motion to include report was filed.
Mar. 27	Memorandum and Order of Court of Appeals denying without prejudice appellants' motion to supplement record on appeal, filed.
Aug. 6	Opinion of U. S. Court of Appeals, filed. Reversed and remanded for proceedings consistent herewith.
Aug. 22	Order from Court of Appeals denying motion for stay of mandate, filed.

District Court Docket Entries

<i>Date</i>	<i>Proceedings</i>
Aug. 31	Mandate of Court of Appeals vacating order of District Court and remanding proceedings for further action consistent with opinion, filed.
Oct. 15	Defendants' request for production of documents, filed.
Nov. 8	Stipulation extending time for Plaintiff to respond to Defendants' request for production of documents, filed. Approved November 13, Morris Cox, Magistrate.
Dec. 19	Plaintiffs' response to Defendants' notice for production and inspection of documents, filed.
Dec. 19	Plaintiffs' general request for production of documents from defendants, filed.
Dec. 19	Plaintiffs' interrogatories to Defendants re: 4th and 5th affirmative defenses, filed.

1974

Jan. 25	Stipulation that time for Defendants to respond to Plaintiffs' request be, and hereby is extended, filed. [February 5—"So Ordered," Gignoux, J.]
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Court of Appeals Docket Entries

<i>Date</i>	<i>Proceedings</i>
1973	
Feb. 27	Record was filed and case docketed.
Mar. 7	Appearances of counsel, filed.
Mar. 9	Further appearances, filed. Statement and appellants' designation, filed.
Mar. 12	Appellants' motion re: supplemental record, filed.
Mar. 19	Brief of appellees in opposition to motion re: supplemental record, filed.
Mar. 21	Counterdesignation of appellees, filed.
Mar. 21	Appendix to appellees' brief in opposition to appellants' motion for a supplemental record, filed.
Mar. 23	Transcript of District Court proceedings, received and filed.
Mar. 26	Memorandum and Order denying without prejudice appellants' motion re: supplemental record.
April 3	Brief for appellants and Appendix to that brief, filed.
April 24	Brief for appellees, filed.
April 30	Order assigning case for hearing at May, 1973 session.
May 7	Case was heard before Coffin, C. J., McEntee, J., Campbell, J.
Aug. 3	Judgment entered—Order of District Court is Vacated and the cause is remanded to that court for further proceedings consistent with the opinion filed today. No costs at this time. Opinion by Campbell, J.

*Court of Appeals Docket Entries**Date**Proceedings*

- Aug. 17 Motion for stay of mandate, filed.
- Aug. 21 Opposition to motion for stay of mandate, filed.
- Aug. 23 Order denying motion for stay of mandate without prejudice to the District Court's control of discovery of process.
- Aug. 30 Mandate issued and original papers returned to District Court.
- Nov. 2 Received notice of filing Petition for Certiorari (filed October 31, 1973).
- 1974
- Jan. 15 Received certified copy of order granting certiorari (dated January 7, 1974).